

Message Text

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INFO USMISSION GENEVA

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E.O. 11652: GDS

TAGS: ELAB, ILO

SUBJECT: PREPARATIONS FOR 202ND ILO GB

REF: BANGKOK 3794

1. REFTEL REQUESTED TEXT OF US-PROPOSED AMENDMENT TO
ARTICLE 17 OF STANDING ORDERS OF ILO GENERAL CONFERENCE.
TEXT FOLLOWS.

2. BEGIN TEXT: ARTICLE 17, PARAGRAPH 1(2) AND (3) OF THE
STANDING ORDERS OF THE CONFERENCE SHOULD BE REPLACED BY
THE FOLLOWING TEXT:

(2) THE OFFICERS OF THE GOVERNING BODY SHALL BE INFORMED
OF THE CONTENT OF ALL RESOLUTIONS DEPOSITED IN ACCORDANCE
WITH SUBPARAGRAPH (1).

(3) COPIES OF ALL RESOLUTIONS SO DEPOSITED SHALL BE
AVAILABLE TO DELEGATES AT THE INTERNATIONAL LABOR OFFICE
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NOT MORE THAN 48 HOURS AFTER THE EXPIRY OF THE TIME LIMIT
LAID DOWN IN SUBPARAGRAPH (1): PROVIDED THAT THE OFFICERS
OF THE GOVERNING BODY SHALL PROVISIONALLY WITHHOLD CIR-
CULATION OF THE TEXT OF ANY RESOLUTION WHICH -

(A) CONDEMNS OR CRITICIZES A MEMBER STATE OR STATES, OR
THE AUTHORITIES OR POLICIES THEREOF, FOR ALLEGEDLY PUR-

SUING POLICIES OR PRACTICES NOT SPECIFICALLY RELATED TO
EXISTING PROVISIONS OF ILO CONVENTIONS OR RECOMMENDATIONS,
OR

(B) CONDEMNS OR CRITICIZES A MEMBER STATE OR STATES, OR
THE AUTHORITIES OR POLICIES THEREOF, FOR ALLEGED VIOLATIONS
OF ILO STANDARDS CONTAINED IN ILO CONVENTIONS AND RECOM-
MENDATIONS BEFORE THE EXAMINATION OF THOSE ALLEGATIONS
UNDER ESTABLISHED ILO PROCEDURES HAS BEEN INITIATED AND
COMPLETED AND THE ALLEGATIONS SO EXAMINED HAVE BEEN
SUSTAINED IN THE REPORT THEREOF.

(4) WHEN THE CIRCULATION OF ANY RESOLUTION HAS BEEN WITH-
HELD IN PURSUANCE OF SUBPARAGRAPH (3) -

(A) THE OFFICERS OF THE GOVERNING BODY SHALL IMMEDIATELY
GIVE THE AUTHOR OR AUTHORS OF THE RESOLUTION A CHANCE TO
AMEND IT;

(B) IF THE AUTHOR OR AUTHORS OF THE RESOLUTION FAIL TO
AMEND IT, THE OFFICERS OF THE GOVERNING BODY SHALL IM-
MEDIATELY PREPARE A REPORT SETTING OUT -

(I) IN RESPECT OF A RESOLUTION WITHHELD IN PURSUANCE OF
SUBPARAGRAPH (3)(A), THE FACTS REGARDING THE RELATIONSHIP
BETWEEN THE RESOLUTION AND EXISTING INTERNATIONAL LABOR
CONVENTIONS AND RECOMMENDATIONS;

(II) IN RESPECT OF A RESOLUTION WITHHELD IN PURSUANCE OF
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SUBPARAGRAPH (3)(B), THE FACTS REGARDING ANY EXAMINATION
UNDER ESTABLISHED ILO PROCEDURES OF THE VIOLATIONS ALLEGED
THEREIN;

(C) THE REPORT OF THE OFFICERS OF THE GOVERNING BODY SHALL
BE SUBMITTED TO A PANEL OF THE COMMITTEE OF EXPERTS ON
THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS CON-
SISTING OF THE CHAIRMAN OF THE COMMITTEE AND OF TWO OTHER
MEMBERS APPOINTED (WITH SUBSTITUTES, AS NECESSARY),
ANNUALLY BY THE COMMITTEE FOR THAT PURPOSE;

(D) THE PANEL OF THE COMMITTEE OF EXPERTS SHALL DETERMINE
WHETHER THE RESOLUTION FALLS WITHIN THE TERMS OF SUB-
PARAGRAPH (3)(A) OR (B) AND SHALL ESTABLISH A REPORT
SETTING OUT THE REASONS FOR ITS CONCLUSIONS;

(E) THE REPORT OF THE PANEL OF THE COMMITTEE OF EXPERTS
SHALL BE BROUGHT TO THE ATTENTION OF THE OFFICERS OF THE
CONFERENCE, OF THE AUTHOR OR AUTHORS OF THE RESOLUTION,

AND OF THE DELEGATES OF THE MEMBER STATE OR STATES CONCERNED BY THE TEXT OF THE RESOLUTION;

(F) THE PANEL OF THE COMMITTEE OF EXPERTS SHALL GIVE THE AUTHOR OR AUTHORS OF THE RESOLUTION A CHANCE TO AMEND IT;

(G) IT SHALL BE OPEN TO THE AUTHOR OR AUTHORS OF THE RESOLUTION, OR TO A DELEGATE OF THE MEMBER STATE OR STATES CONCERNED BY THE TEXT OF THE RESOLUTION TO APPEAL TO THE OFFICERS OF THE CONFERENCE AGAINST THE DETERMINATION OF THE PANEL OF THE COMMITTEE OF EXPERTS, SPECIFYING IN WRITING THE PARTICULAR POINTS IN THE REPORT OF THE PANEL WHICH ARE ALLEGED TO BE UNFOUNDED; IN SUCH CASE THE OFFICERS SHALL MAKE A FINAL DETERMINATION SOLELY ON THE BASIS OF CONSIDERATION OF THESE POINTS AND SHALL ESTABLISH A REPORT SETTING OUT THE REASONS FOR THEIR CONCLUSIONS, WHICH SHALL BE BROUGHT TO THE ATTENTION OF THE AUTHOR OR UNCLASSIFIED

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AUTHORS OF THE RESOLUTION, AND OF THE DELEGATES OF THE MEMBER STATE OR STATES CONCERNED BY THE TEXT OF THE RESOLUTION;

(H) A RESOLUTION DETERMINED TO FALL WITHIN THE TERMS OF SUBPARAGRAPH (3)(A) OR (B) SHALL NEITHER BE REFERRED TO THE RESOLUTIONS COMMITTEE NOR MOVED AT ANY SITTING OF THE CONFERENCE; A RESOLUTION DETERMINED NOT TO FALL WITHIN THE TERMS OF SUBPARAGRAPH (3)(A) OR (B) SHALL BE IMMEDIATELY REFERRED TO THE RESOLUTIONS COMMITTEE;

(I) REFERENCE TO THE RESOLUTIONS COMMITTEE OF ANY RESOLUTION WHICH HAS BEEN PROVISIONALLY WITHHELD SHALL BE ACCOMPANIED BY THE VARIOUS DOCUMENTS ON WHICH THE CONSIDERATION OF ITS RECEIVABILITY WAS BASED.

(5) IT SHALL ALSO BE OPEN TO ANY DELEGATE TO THE CONFERENCE TO SUBMIT TO THE OFFICERS OF THE CONFERENCE, IN WRITING, AN OBJECTION TO THE TERMS OF A PARTICULAR RESOLUTION ON THE GROUNDS THAT IT FALLS WITHIN SUBPARAGRAPH (3)(A) OR (B). IN SUCH CASE, THE OFFICERS OF THE CONFERENCE SHALL DETERMINE THE ADMISSIBILITY OF THE RESOLUTION; THEY SHALL GIVE THE AUTHOR OR AUTHORS OF THE RESOLUTION AN OPPORTUNITY TO AMEND IT. THE RESOLUTION SHALL NOT BE REFERRED TO THE RESOLUTIONS COMMITTEE NOR MOVED AT ANY SITTING OF THE CONFERENCE UNTIL THE OFFICERS HAVE MADE THEIR DETERMINATION, AND UNLESS THEY HAVE DECIDED THAT THE RESOLUTION IS ADMISSIBLE. THE OFFICERS SHALL ESTABLISH A REPORT SETTING OUT THE REASONS FOR THEIR CONCLUSION; THAT REPORT

SHALL BE BROUGHT TO THE ATTENTION OF THE AUTHOR OR AUTHORS

OF THE RESOLUTION AND OF THE DELEGATE WHO APPEALED AND,
IF THE RESOLUTION IS DECLARED ADMISSIBLE, SHALL BE TRANS-
MITTED TO THE RESOLUTIONS COMMITTEE TOGETHER WITH THE TEXT
OF THE RESOLUTION.

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(6) ALL DECISIONS IN PURSUANCE OF SUBPARAGRAPHS (3)(4), AND
(5) SHALL BE TAKEN BY SIMPLE MAJORITY.

ARTICLE 17, PARAGRAPH 7(1) SHOULD BE CONCLUDED BY THE
ADDITION OF THE FOLLOWING SENTENCE:

"HOWEVER, THE COMMITTEE SHALL NOT FIND A RESOLUTION IN-
COMPETENT OR INEXPEDIENT ON THE GROUND THAT IT FALLS
WITHIN (3)(A) OR (B) IF A FINAL DECISION TO THE CONTRARY
HAS ALREADY BEEN REACHED BY THE PROCEDURE SET FORTH IN
PARAGRAPH 1 ABOVE."

ARTICLE 15, PARAGRAPH 4 SHOULD HAVE A NEW SUBSECTION (3):
A DELEGATE MAY, WITHIN ONE DAY OF CIRCULATION OF THE
RESOLUTION, SUBMIT TO THE OFFICERS OF THE CONFERENCE, IN
WRITING, AN OBJECTION TO THE TERMS OF ANY RESOLUTION ON
THE GROUNDS THAT IT -

(A) CONDEMNS OR CRITICIZES A MEMBER STATE OR STATES, OR THE
AUTHORITIES OR POLICIES THEREOF, FOR ALLEGEDLY PURSUING
POLICIES OR PRACTICES NOT SPECIFICALLY RELATED TO EXISTING
PROVISIONS OF ILO CONVENTIONS OR RECOMMENDATIONS, OR

(B) CONDEMNS OR CRITICIZES A MEMBER STATE OR STATES, OR
THE AUTHORITIES OR POLICIES THEREOF, FOR ALLEGED VIOLATIONS
OF ILO STANDARDS CONTAINED IN ILO CONVENTIONS AND RECOM-
MENDATIONS BEFORE THE EXAMINATION OF THOSE ALLEGATIONS
UNDER ESTABLISHED ILO PROCEDURES HAS BEEN INITIATED AND
COMPLETED AND THE ALLEGATIONS SO EXAMINED HAVE BEEN
SUSTAINED IN THE REPORT THEREOF.

IN SUCH CASE, THE OFFICERS OF THE CONFERENCE SHALL
DETERMINE THE ADMISSIBILITY OF THE RESOLUTION; THEY SHALL
GIVE THE AUTHOR OR AUTHORS OF THE RESOLUTION AN OPPORTUNITY
TO AMEND IT. THE RESOLUTION SHALL NOT BE MOVED AT ANY
SITTING OF THE CONFERENCE UNTIL THE OFFICERS HAVE MADE
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THEIR DETERMINATION, AND UNLESS A MAJORITY HAVE DECIDED

THAT THE RESOLUTION IS ADMISSIBLE. THE OFFICERS SHALL
ESTABLISH A REPORT SETTING OUT THE REASONS FOR THEIR
CONCLUSION; THAT REPORT SHALL BE BROUGHT TO THE ATTENTION
OF THE AUTHOR OR AUTHORS OF THE RESOLUTION AND OF THE
DELEGATE WHO APPEALED.
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